

Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



October 21, 2013

Deputy Brandon Painter, #[redacted]

Dear Deputy Painter:

On June 19, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2334159. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated August 28, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No 2708A with this Department for a period of three (3) days. However, pursuant to the EBD agreement, the three (3) days will be held in abeyance for a period of twelve (12) months which will end on August 27, 2014. All Department records will reflect, nevertheless, that you received a three (3) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the three (3) days held in abeyance will be imposed.

An investigation under File Number IAB 2334159, conducted by Internal Affairs Bureau coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards (specifically pertaining to 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about October 20, 2012, while on duty, you failed to conform to the work standards established for your position as a patrol deputy, when you failed to communicate, coordinate, and seek the assistance of additional units as you attempted to track, on foot, a suspect

who was fleeing the immediate area in an effort to avoid arrest, detention or observation; and/or employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved fight, as evidenced by, but not limited to:

a. following and tracking the suspect on foot for approximately 300 feet as the suspect attempted to avoid being observed, detained or arrested, and/or;

b. failing to communicate to or request assisting units when you exited your patrol vehicle and tracked the suspect on foot, as the suspect appeared to walk away from the area in order to avoid you, and/or distance himself from possible contraband, and/or;

c. entering into a yard where numerous people were gathered in an effort to contact the suspect without communicating with, or requesting assisting patrol units, and/or knowing if this was an effort on the part of the suspect placed you in a position of tactical disadvantage or ambush.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Paul Becker, Captain
Santa Clarita Valley Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

PB:AEA:jp

c: Advocacy Unit
Chief Jacques A. La Berge, North Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Doreen Garcia
Santa Clarita Valley Station/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 19, 2013

Deputy Brandon Painter, #[redacted]
[redacted]

Dear Deputy Painter:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days.

An investigation under IAB File Number IV2334159, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards (specifically pertaining to 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about October 20, 2012, while on duty, you failed to conform to the work standards established for your position as a patrol deputy, when you failed to communicate, coordinate, and seek the assistance of additional units as you attempted to track, on foot, a suspect who was fleeing the immediate area in an effort to avoid arrest, detention or observation; and/or employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved fight, as evidenced by, but not limited to:

   a. following and tracking the suspect on foot for approximately 300 feet as the suspect attempted to avoid being observed, detained or arrested, and/or;

   b. failing to communicate to or request assisting units when you exited your patrol vehicle and tracked the suspect on

foot, as the suspect appeared to walk away from the area in order to avoid you, and/or distance himself from possible contraband, and/or;

c. entering into a yard where numerous people were gathered in an effort to contact the suspect without communicating with, or requesting assisting patrol units, and/or knowing if this was an effort on the part of the suspect placed you in a position of tactical disadvantage or ambush.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at (323) 890-5311, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Paul Becker, Captain
Commander, Santa Clarita Valley Station

PB:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2334159)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2334159.***

06-19-13

Date

BRANDON PAINTER, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***BRANDON PAINTER.***

6-19-13

Date

WITNESS SIGNATURE

PAUL BECKER

WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5311

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: May 14, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
NORTH PATROL DIVISION

TO: PAUL BECKER, CAPTAIN
SANTA CLARITA VALLEY STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2322821/IV2334159
Incident:	Significant Force
Incident Date:	October 20, 2012
Unit:	Santa Clarita Valley Station
Suspect:	Adam Wesley Harris, MW/09-30-92
Involved Employee:	Deputy Brandon Painter, #[redacted]
EFRC Date:	May 9, 2013



The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, Bobby Denham, and Stephen Johnson met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent escape, or overcome resistance.

FINDINGS:

A deputy patrolling the "Paseo" (footpath between residential neighborhoods), shined his spotlight on a male (suspect) who was standing on a bridge leading to a residential street. The deputy saw the suspect toss an object into the nearby bushes, which the deputy believed to be illegal contraband, then saw the suspect immediately walk/run away after becoming aware of the deputy's presence.

The deputy exited his vehicle and followed the suspect on foot. He subsequently followed the suspect to the front of a residence approximately 150 feet down the street from his initial observation. The residence was apparently the scene of a Halloween party as several people were observed to be in costume, except for the suspect. The deputy saw the suspect standing in the courtyard all by himself and detained him. As he began to conduct a pat down search on the suspect for weapons, it was alleged the suspect suddenly attempted to punch the deputy. The deputy responded by punching the suspect on the right side of his face, in the right eye. A struggle ensued resulting in the suspect allegedly striking the deputy in the face and the deputy punching the suspect a second time on the right side of his face. A series of control techniques, including an attempt to utilize a carotid restraint maneuver, were ineffective. The suspect was aided by an unknown female who tried to break up the fight, thereby helping the suspect escape the grasp of the deputy.

The suspect ran from the scene. A containment was established and the suspect was located and arrested. The suspect was later treated for a right orbital fracture. The contraband believed to be tossed by the suspect was not located. The unknown female who assisted the suspect left the scene and was not located.

The EFRC determined the force used against the resistive and assaultive suspect was reasonable, necessary, and justified.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Brandon Painter was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to, 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about October 20, 2012, while on duty Deputy Painter failed to conform to the work standards established for his position as a patrol deputy, when he failed to communicate, coordinate, and seek the assistance of additional units as he attempted to track, on foot, the suspect, who was fleeing the immediate area in an effort to avoid arrest, detention or observation; and/or employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved fight, as evidenced by, but not limited to the following:

A. Following and tracking the suspect on foot for approximately 300 feet as he attempted to avoid being observed, detained or arrested, and/or;

B. Failing to communicate to or request assisting units when he exited his patrol vehicle and tracked the suspect on foot, as he appeared to walk away from the area in order to avoid Deputy Painter, and/or distance himself from possible contraband, and/or;

C. Entering into a yard where a numerous people were gathered in an effort to contact the suspect without communicating with, or requesting assisting patrol units, and/or knowing if this was an effort on the part of the suspect to place him in a position of tactical disadvantage or ambush.

RECOMMENDATIONS:

The EFRC recommended Deputy Brandon Painter #[redacted] receive a **three (3) day suspension.** The EFRC also recommended Deputy Painter attend the eight-hour Tactics and Survival training (TAS I), the four-hour Arrest and Control for Field Operations class, the eight-hour Perishable Skills (force) training, and the eight-hour LIFE class.

Lastly, the EFRC recommended the unit commander, Captain Paul Becker, conduct a tactical debriefing with Deputy Painter regarding the unique circumstances of this incident and address items related to radio communication, foot pursuit policy, and the coordination of assisting units.

BG:JER:jer

TABLE OF CONTENTS
FO#2322821

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 912-14879-0622-145		Date: October 20, 2012	Time: 2333
Location: [redacted] Platina Drive		City or Station: Valencia	
Bureau/Station/Facility: Santa Clarita Station		Admin. Investigation: YES ○ NO ◉	
Type of Force: Significant - Personal weapons			
Deputy Injury: YES ○ NO ◉		Suspect Injury YES ◉ NO ○	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ◉ NO ○	Person Notified: Lt. Myron Johnson	Emp: [redacted]	IAB Roll Out: YES ◉ NO ○

Involved Employee

E1

Employee # [redacted]	Last Name: Painter	First Name: Brandon	Middle Name: -
Sex: ◉ Male ○ Female	Race: W	Unit of Assignment: Santa Clarita Station	Work Assignment (Unit #, Module, etc.): 62
Shift: ◉ EM ○ Day ○ PM	○ Regular Shift ◉ OT Shift ○ Off Duty	Age: [redacted]	Height: 508 / Weight: 145
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ○ Significant Force ◉

E__

Employee #	Last Name	First Name	Middle Name
Sex: ○ Male ○ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ○ Significant Force ○

E__

Employee #	Last Name	First Name	Middle Name
Sex: ○ Male ○ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ○ Significant Force ○

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Soehnel	Sammy			YES ○ NO ◉	YES ○ NO ○
					YES ○ NO ○	YES ○ NO ○

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Morgan	John	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Weiss	William	

Watch Commander (**Print Name**) Carlos Flores | Watch Commander's **Signature**: [redacted] | Emp #: | Date

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

S ervisor's Report on Use of F e
SUSPECT INFORMATION

9 1 2 - 1 4 8 7 9 - 0 6 2 2 - 1 4 5

Suspect Information

S 1

Last Name	Harris	First Name	Adam	Middle Name	Wesley
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
(●) Male ( ) Female	White	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
N/A	[redacted]	20	510	09-30-92	150	☐

Booking #: 3341556 Primary Charge Code: 243(b) PC Secondary Charge Code: Criminal History ☐

EMT in attendance? ( ) YES (●) NO Name: ________ Unit: ________ Phone #: ________

Hospital Admission? ☐ Rec'd Treatment At: Henry Mayo Hospital Coroner Case #: ________ Mental History ☐ User's guide provides direction on this entry

By Doctor: Clay Cormier Address: 23845 McBean Parkway Phone #: (661) 253-8000

Under Influence: (●) YES ( ) NO Substance: Alcohol | 5150 a factor in force ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 10-21-12 | Time: 0640 | ☒ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
( ) Male ( ) Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: ________ Unit: ________ Phone #: ________

Hospital Admission? ☐ Rec'd Treatment At: ________ Coroner Case #: ________ Mental History ☐ User's guide provides direction on this entry

By Doctor: ________ Address: ________ Phone #: ________

Under Influence: ( ) YES ( ) NO Substance: ________ | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
( ) Male ( ) Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: ________ Unit: ________ Phone #: ________

Hospital Admission? ☐ Rec'd Treatment At: ________ Coroner Case #: ________ Mental History ☐ User's guide provides direction on this entry

By Doctor: ________ Address: ________ Phone #: ________

Under Influence: ( ) YES ( ) NO Substance: ________ | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

912 - 14879 - 0622 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	None		

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
None				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Harris	S#1	Painter	E#1	RS PH	NN	
Painter	E#1	Harris	S#1	td ph ch	FR	FA

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT SUMMARY

UNIT: Santa Clarita Station
DATE: October 20, 2012, Saturday
TIME: 2333 hours
LOCATION: [redacted] Platina Drive, Valencia
URN#: 912-14879-0622-145
IAB#: FO2322821

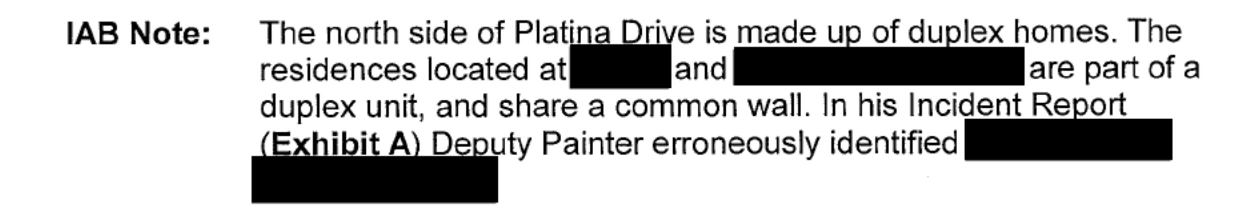
NATURE OF INCIDENT:

On Saturday, October 20, 2012, Deputy Brandon Painter, #[redacted] was working early morning Patrol Unit 62. Unit 62 is a one deputy unit, assigned to regular patrol duties in the cities of Santa Clarita and Valencia. At approximately 2330 hours, Deputy Painter initiated patrol checks of the neighborhood walkways in the area of McBean Parkway and Avenida Navarre.

> **IAB Note:** The neighborhood walkways, known as "Paseos" connect several Cul-de-sac streets. They are utilized by the neighborhood residents for walking and biking. Area and neighborhood maps are included in this case book. See **Exhibit D**.

As Deputy Painter approached the area near the Alta Madera Drive bridge, he observed a male, later identified as Suspect Adam Harris, standing in the "Paseo," near the end of Platina Drive. Deputy Painter shined his spot light on the suspect, who then turned and looked in the deputy's direction. The suspect then threw on unknown object into the nearby bushes, and began walking away. Believing that the suspect had discarded illegal contraband, he exited his vehicle and shouted to the suspect to show his hands. The suspect placed his hand in his jacket pocket, and then turned away and began walking east on Platina Drive.

Believing that the suspect was attempting to distance himself from whatever he had thrown, Deputy Painter walked to the end of Platina Drive. Upon arrival to the end of the street, Deputy Painter saw that the suspect was walking east on the north sidewalk. He then saw the suspect walk up the driveway of [redacted]



IAB Note: The north side of Platina Drive is made up of duplex homes. The residences located at [redacted] and [redacted] are part of a duplex unit, and share a common wall. In his Incident Report (**Exhibit A**) Deputy Painter erroneously identified [redacted]

Deputy Painter walked east on Platina Drive and saw that the suspect had entered a gate that led to the front door of [redacted] The suspect was standing by the gate, as Deputy Painter approached. Deputy Painter saw that several people were at the location, attending a costume party. Deputy Painter also noticed that Suspect Harris was the only person not wearing a costume, and he appeared not to be an attendee of the party.

Deputy Painter approached and opened the gate, and directed the suspect to walk to the front of the residence. The suspect complied and was escorted by Deputy Painter, who took hold of the suspect's left arm. Deputy Painter noticed that a strong odor of alcoholic beverages emitted from the suspect's person. He also noticed that the suspect had an unsteady gait.

IAB Note: Based on Deputy Painter's actions of following and detaining the suspect, a Foot Pursuit Evaluation form was completed by Santa Clarita Station Sergeant Soehnel, #[redacted] Sergeant Soehnel obtained the information included in the form by obtaining a brief statement from Deputy Painter, and from Deputy Painter's report. The form is included in this case book. See **Exhibit J**. It does not include tactical conclusions or recommendations, as that will be determined by the Executive Force Review Committee panel.

Due to the suspect wearing a bulky jacket, Deputy Painter directed the suspect to turn away from him in order to search him for weapons. Instead of complying with the deputy's direction, the suspect began pulling away from Deputy Painter's grip. Deputy Painter attempted to place the suspect in a rear wrist lock, by grabbing the suspect's left hand, at which point the suspect turned his body and swung his right hand at the deputy. Deputy Painter stepped back and avoided getting hit by the suspect. The deputy then released his grip of the suspect's left hand and struck the suspect one time on the right eye, with his left fist.

The suspect turned away and attempted to flee, at which point Deputy Painter took hold of the suspect's jacket. As Deputy Painter held on to his jacket, the suspect continued to attempt to flee. As a result, both the suspect and Deputy Painter ended up approximately 30 feet east of where the suspect had began to resist. The suspect then turned toward the deputy and again swung his right hand, striking Deputy Painter on the left side of his jaw. Deputy Painter swung his left fist and struck the suspect on the right side of the jaw, causing him (suspect) to fall backward on the ground.

Suspect Harris immediately got back on his feet and Deputy Painter took hold of the suspect in a "headlock" position. They both then fell backwards onto the ground. Suspect Harris landed on top of Deputy Painter, who was then able to position his right arm around the suspect, into a carotid restraint hold. During the entire struggle Deputy Painter directed the suspect to stop fighting, but the suspect would not comply.

While on the ground, Deputy Painter was able to broadcast via his radio that he was involved in a fight. While broadcasting, an unidentified female approached the deputy and the suspect, and began to shout, "What are you doing, why are you doing this?" The female then took hold of the deputy's arm and shouted, "Leave him alone." Because of the female's actions, the suspect was able to break free, stand up and run away.

IAB Note: Deputy Painter described the female as Hispanic, 25 to 30 years old, and approximately 170 to 180 pounds. He additionally described her as having long dark curly hair.

Deputy Painter got up from the ground and observed the suspect run south across Platina Drive, and south on Serena Drive. The suspect then ran east on Alta Madera Drive, and out of view. Deputy Painter did not run after the suspect, but began to broadcast the suspect's last seen direction. When Deputy Painter turned around, he no longer saw the female.

A containment was established by assisting deputies. Approximately twenty minutes later the suspect was found in the area of Via Donna Christa, and was subsequently arrested. A search for the unidentified female met with negative results. The suspect was transported to Henry Mayo Newhall Memorial Hospital in the city of Valencia, where he was treated for injuries. It was determined that the suspect sustained a fractured right orbital.

IAB Note: Deputy Painter searched the shrubbery in the "Paseo" for possible discarded contraband, but did not find anything.

Internal Affairs Bureau (IAB) Lieutenant Myron Johnson, was notified, and along with IAB Sergeants Carlos Flores and Jeffrey Hamil responded to Santa Clarita Station to conduct an administrative review of the incident. The following review is based on written documentation and interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Painter, Brandon - Deputy Sheriff, Employee #[redacted] MW/34, 508/145lbs.
Santa Clarita Sheriff's Station
Field Operations Region I

Date of Employment:	07-20-2000
Date Assigned to Unit:	09-03-2006
Prior Founded Force Incidents:	[redacted]

INVOLVED SUSPECT:

Harris, Adam Wesley

Sex:	Male
Race:	White
Date of Birth:	September 30, 1992
Height:	510
Weight:	150
Booking #	3341556
Charge:	243 (b) PC, Battery on Peace Officer
Injury:	Fractured right orbital

The Consolidated Criminal History System reveals that Suspect Harris [redacted]

IAB Note: A copy of Suspect Harris' criminal history is included in this report. See **Exhibit C**.

DEPARTMENT WITNESSES:

None

NON-DEPARTMENT WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

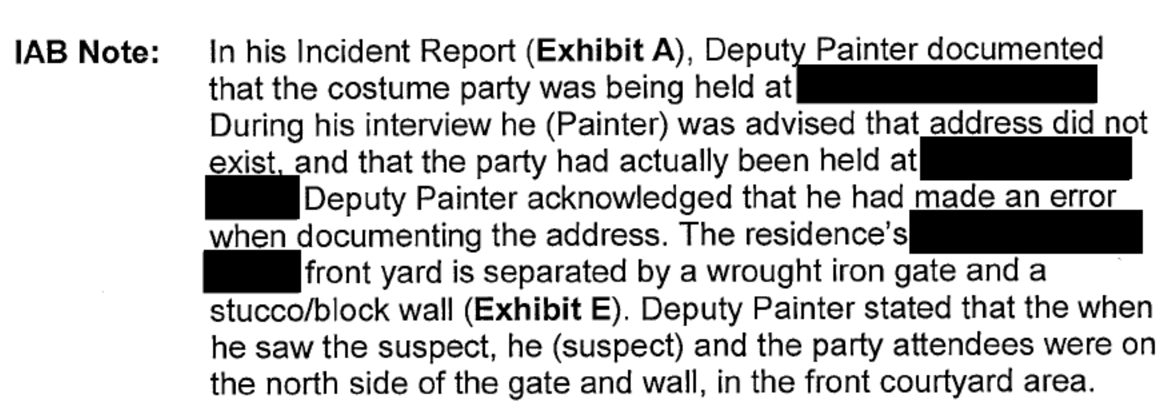
Deputy Brandon Painter, #[redacted] was interviewed on January 15, 2013, at 1021 hours, by Internal Affairs Bureau Sergeants Carlos Flores and John Trani. Deputy Painter was represented by Attorney Alfonso Estrada. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy Painter said he authored an Incident Report, documenting the event, and his actions (**Exhibit A**). He said his report is a full, complete and accurate account of the incident.

Deputy Painter stated that on October 20, 2012, he was working an overtime early morning shift in Unit 62. He stated that at approximately 2330 hours he began conducting a patrol check of the walkways which are known as "Paseos." He stated that the walkways are often used by burglars in order to avoid being detected. Deputy Painter stated that as he traveled south on the "Paseo," approaching Platina Drive, he saw the suspect standing in the "Paseo." He said he stopped his vehicle and illuminated the suspect utilizing his vehicle's spot light. Deputy Painter stated that he was approximately 30 feet away from the suspect when he illuminated him.

Deputy Painter said the suspect turned and looked in his direction, and then threw something in the nearby bushes. He said he told the suspect to show his hands, but the suspect turned and walked away at a "brisk walk." Deputy Painter said he does not recall if he said anything else to the suspect at that time. He said he (Painter) exited his vehicle and walked to where he last saw the suspect. He said that when he saw the suspect again, he saw that the suspect was walking east on the north sidewalk of Platina Drive. Deputy Painter said he began walking east on Platina Drive, watching as the suspect continued to travel east ahead of him. Deputy Painter said he just wanted to see where the suspect was going.

Deputy Painter said he observed the suspect walk up the driveway of the residence located at [redacted] He said he (Painter) walked to that address, and arrived approximately one minute after the suspect. Deputy Painter said that he saw the suspect standing by the residence's front gate. He said he also saw several people standing in the front yard of the residence, dressed in costumes, obviously attending a party there. Deputy Painter said that the suspect was not wearing a costume, and was not speaking with anybody there. He said he believed he (suspect) was trying to blend in with the party attendees, in order to avoid detection.



IAB Note: In his Incident Report (**Exhibit A**), Deputy Painter documented that the costume party was being held at [redacted] During his interview he (Painter) was advised that address did not exist, and that the party had actually been held at [redacted] Deputy Painter acknowledged that he had made an error when documenting the address. The residence's [redacted] front yard is separated by a wrought iron gate and a stucco/block wall (**Exhibit E**). Deputy Painter stated that the when he saw the suspect, he (suspect) and the party attendees were on the north side of the gate and wall, in the front courtyard area.

Deputy Painter said he walked to the gate and contacted the suspect. He said he opened the gate and told the suspect to step outside. He said he took hold of the suspect's left arm with his right hand, and escorted the suspect out of the courtyard area. He said the suspect was completely cooperative at that time. Deputy Painter said it was his intention to detain the suspect, and conduct an investigation as to what the suspect had been doing in the "Paseo." He said it was also his belief that the suspect had discarded some type of contraband, and attempted to place distance between the contraband and himself (suspect).

Deputy Painter said he escorted the suspect to the sidewalk, in front of the residence [redacted] He said he decided to conduct a pat down search of the suspect, and he directed the suspect to place his hands behind his back. Deputy Painter also asked the suspect if he had anything sharp in his pockets, and the suspect replied that he did not. Deputy Painter said he then began his pat down search, at which point the suspect suddenly turned his body, breaking his hold of the suspect. He said that the suspect then swung his fist, attempting to strike him. He said he was able to lean back and avoid being struck by the suspect, and he punched the suspect on the right side of his face, utilizing his left fist.

Deputy Painter said the force (punch) did not have an effect on the suspect. He said the suspect turned and attempted to run away, but he (Painter) was able to take hold of the suspect's jacket. He said the suspect continued running in an east direction, as he (Painter) held on to his jacket. He said the suspect's actions caused them to travel approximately 30 feet to the east. He said they ended up in the driveway of either [redacted] or [redacted]

IAB Note: The residences located at [redacted] and [redacted] are combined (duplex), located directly east of [redacted] Deputy Painter said he and the suspect ended up in one of the driveways, but was unsure which one.

Deputy Painter stated that the suspect stopped running, turned his body, and faced him (Painter). He said the suspect then swung his fist, striking him on the left side of his face. Deputy Painter said he again punched the suspect, utilizing his left fist, striking the suspect on the right side his chin. He said the force caused the suspect to fall backward, "onto his butt." He said the suspect immediately began getting to his feet, at which point he (Painter) put his right arm around the suspect's head, got behind the suspect, and pulled the suspect down to the ground. Deputy Painter stated that he wanted to get the suspect on the ground in order to be able to control him, and call for help on his radio.

Deputy Painter said he attempted to place a carotid restraint control hold on the suspect, but the suspect's continuous struggle thwarted his efforts. He said he was able to activate the microphone on his portable radio, and broadcast that he was involved in a fight. He said that during the entire time, the suspect was "thrashing his

body," attempting to get away. He said that during the struggle, an unidentified female approached him and took hold of his arm. He said the female's actions caused the suspect to be able to break free, get to his feet, and run away.

Deputy Painter said he immediately got to his feet and observed that the suspect was running in a south east direction. He said he (Painter) ran to the corner of Platina Drive and Serena Drive, to see where the suspect was going. He said he observed the suspect running east on Alta Madera Drive, and out of view. Deputy Painter said he then updated (broadcasted) his status on the radio, and advised the other units of where he last saw the suspect, and the direction he (suspect) was running in. Deputy Painter said he did not attempt to run after the suspect, but broadcasted the information so that a containment could be established.

IAB Note: Deputy Painter stated that per the foot pursuit policy, he chose to have a containment established as oppose to chasing the suspect. He said that it was his belief that his initial following of the suspect, from the "Paseo" to the residence at [redacted] did not constitute a "foot pursuit." He said that based on that belief, he did not broadcast his actions via his radio.

Deputy Painter stated that he did not believe the female's actions constituted a battery or obstruction. He said he does not believe that her intention was to "lynch" the suspect, but rather to "break up a fight." He said he believes the female did not know that he was a peace officer, based on what she said and the fact that she did not see his patrol vehicle. He said that based on his observations he did not feel that she should be listed as a suspect on his report.

IAB Note: The female was never found or positively identified.

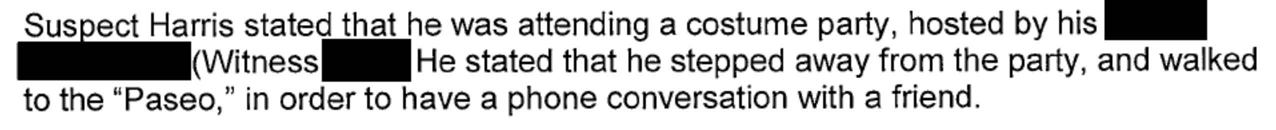
Deputy Painter stated that the suspect was initially cooperative, and he did not feel as though he needed backup when he first approached him. He said he does not believe that his actions were tactically unsound. He said that given the suspect's actions, the force he utilized was appropriate. He said he did not have a TASER in his possession, and did not have time to retrieve and utilize his Oleoresin Capsicum.

For his complete statement, refer to Deputy Painter interview transcript, included in this case book. During his interview Deputy Painter was shown several photographs of the scene. The photographs are included with his interview transcript.

SUSPECT'S STATEMENTS:

Suspect Harris was interviewed by Santa Clarita Station Sergeant Soehnel on October 21, 2012, at 0255 hours. The interview was conducted at the Henry Mayo Hospital Emergency Room, and was video recorded. See **Exhibit H**.

Suspect Harris was interviewed a second time by Internal Affairs Bureau Sergeants Carlos Flores and Jeffrey Hamill on October 21, 2012, at 0626 hours. The interview was conducted at the Santa Clarita Station, and was digitally audio recorded. Suspect Harris gave essentially the same account of the incident that he gave Sergeant Soehner. However, he was asked to provide additional details.


Suspect Harris stated that he was attending a costume party, hosted by his [redacted] (Witness [redacted] He stated that he stepped away from the party, and walked to the "Paseo," in order to have a phone conversation with a friend.

IAB Note: Witness [redacted] advised Internal Affairs Bureau investigators that though she knows Suspect Harris, he had not been invited to her party. She also stated that she had not been aware that Suspect Harris had entered her property on the night of the incident.

Suspect Harris stated that while talking on the phone, he was approached from behind by a deputy sheriff, in a police vehicle. He said that when he saw the deputy's vehicle, he turned and began walking away. He said that as he walked, he could hear the deputy call out to him to stop, but he continued walking. Suspect Harris stated that he did not want to talk to the deputy due to the fact that he is underage, and had been drinking alcoholic beverages.

Suspect Harris stated that he walked back to the home where the party was being held, and stood in the front yard. He said a short time later, a deputy approached him and took hold of his left arm. He said the deputy then began escorting him out of the yard. Suspect Harris stated that when they crossed the gate that separates the front and back yard, he pulled away from the deputy's grip and began running. He said he ran approximately 15-20 yards, and the deputy caught up to him. Suspect Harris stated that he stopped on his own, turned around and began talking to the deputy. He said the deputy again took hold of his arm, in an apparent attempt to handcuff him.

Suspect Harris stated that he again resisted the deputy's efforts, at which point the deputy "tackled" him to the ground. He said the deputy utilized his body weight in order to force him to the ground. He said that once on the ground, the deputy put his (deputy's) arm around his neck in a "headlock" or "sleeper hold." Suspect Harris said the deputy then began punching the right side of his face, with his fist. He said he then began pushing the deputy's arm away, while also attempting to pull his head out of the deputy's arm.

Suspect Harris stated that an unidentified female approached them and shouted for them to stop. He said the female took hold of the deputy's arms, which allowed him (suspect) to break free from the deputy's grip. Suspect Harris stated that he stood up, and began running away. He said that a short time later he was detained and handcuffed by another deputy.

IAB Note: Suspect Harris stated that he had never seen the female before, and does not believe she had been attending the party. He described her as "heavy set," having a dark complexion, wearing a black tank top and shorts.

Suspect Harris stated that he did resist all of the deputy's efforts to take him into custody. He said he was afraid that the deputy was going to arrest him because he is underage and was drinking alcoholic beverages. He said that though he did resist the deputy's efforts, he never swung his fist at the deputy, or attempted to strike him in any way. He said he also never did anything which the deputy could have construed as an attack on his person.

Suspect Harris stated that he had consumed approximately four to six beers prior to his contact with the deputy. He said he had also smoked marijuana. Suspect Harris stated that he was feeling the effects of the alcohol, and believes he was intoxicated. He stated that he has never been diagnosed as being "mentally ill."

IAB Note: Prior to being interviewed by Internal Affairs Bureau investigators, Suspect Harris was also interviewed by Santa Clarita Station Detective Richard Welch, #[redacted] Suspect Harris gave Detective Welch essentially the same information he provided to IAB investigators. Detective Welch documented his interview with Suspect Harris in a supplemental report. See **Exhibit B**.

DEPARTMENT WITNESS STATEMENTS:

Sammy Soehnel, Sergeant, #[redacted]

There were no Department witnesses to this incident. However, shortly after the incident occurred, Santa Clarita Station Sergeant Sammy Soehnel, #[redacted] canvassed the area for witnesses, and for the unidentified female that became involved. Sergeant Soehnel also responded to Henry Mayo Hospital, where the suspect was treated for his injuries. Sergeant Soehnel then spoke with the treating emergency room physician, Doctor Cormier.

Due to Sergeant Soehnel's involvement after the incident occurred, he was interviewed by Internal Affairs Bureau Sergeant Carlos Flores. Sergeant Soehnel was telephonically interviewed on November 30, 2012, at 1725 hours. The interview was digitally audio recorded.

Sergeant Soehnel stated that on the night of the incident, he was the field sergeant on duty. Sergeant Soehnel stated that immediately after the incident occurred, and again a couple days later, he canvassed the neighborhood for possible witnesses. He stated that he spoke to several of the residents in the area, but none witnessed the incident. He stated that he also conducted a search for the unidentified involved female, but she

was not found or identified. Sergeant Soehnel stated that the unidentified female should have been listed on the Incident Report (**Exhibit A**) as a suspect. He said that he is uncertain why she was not listed, but believes it was an oversight.

Sergeant Soehnel stated that he responded to [redacted] where Suspect Harris was initially detained, and where a costume party was being held on the night of the incident. He said he contacted Mr. [redacted] MW/24, who resides at that address. Sergeant Soehnel stated that Mr. [redacted] advised him that Suspect Harris had not been invited to his [redacted] party, and he was unaware that he (Harris) had entered his property. Mr. [redacted] also advised Sergeant Soehnel that he did not witness the incident.

Sergeant Soehnel stated that he responded to Henry Mayo Hospital and conducted a video recorded interview with Suspect Harris (**Exhibit H**). He stated that he also spoke with the Emergency Room doctor who treated the suspect, Doctor Clay Cormier. Sergeant Soehnel stated the doctor advised him that the suspect had sustained a fracture to his right orbital, and that the injury was consistent with having been punched in that area.

NON-DEPARTMENT WITNESS STATEMENTS:

IAB Note: During his interviews with Sergeant Soehnel, and Internal Affairs Bureau investigators, Suspect Harris stated that he had been attending his friend's costume party, and momentarily stepped out to take a telephone call. He stated that his friend's name was [redacted] It was later determined that [redacted] resides at [redacted] with her [redacted] Due to Suspect Harris' statement, the two residents were contacted by Internal Affairs Bureau Sergeant Carlos Flores.

[redacted] FA/21

Ms. [redacted] is a 21 year old female who also resides at [redacted] with her [redacted] She was telephonically interviewed by Internal Affairs Bureau Sergeant Carlos Flores on December 14, 2012, at approximately 0745 hours, The interview was digitally audio recorded.

IAB Note: Due to an error in the recorder setup, only Sergeant Flores' voice can be heard on the recording.

Ms. [redacted] stated that she knew Suspect Adam Harris, but had not seen him in approximately four years. She said she went to high school with Suspect Harris, but they were not friends. Ms. [redacted] stated that the suspect had not been invited to their costume party, and she did not know that he had entered their property on the night of the incident.

Ms. [redacted] stated that she had not witnessed the incident, and became aware only after it had occurred. She said her [redacted] later informed her of the suspect's name, and she then realized she knew who he (suspect) was. Ms. [redacted] stated that she had no information regarding the unidentified female that had become involved in the incident.

[redacted] MW/24

Mr. [redacted] is a 24 year old male who resides at [redacted] On the night of the incident Mr. [redacted] held a costume party at his residence, and it was at his residence that Deputy Painter initially physically detained the suspect. On the night of the incident, Mr. [redacted] was interviewed by Santa Clarita Sergeant Sammy Soehnel. Mr. [redacted] stated that he did not know the suspect, and did not believe he had been at the party. Mr. [redacted] also stated that he had not witnessed the incident. The interview was not recorded.

Mr. [redacted] was interviewed a second time by Internal Affairs Bureau Sergeant Carlos Flores on December 14, 2012, at approximately 0727 hours, The interview was conducted via telephone, and was digitally audio recorded.

Mr. [redacted] reiterated that he did not witness the incident, and became aware of the incident only after it occurred. He stated that he did not know the suspect, and did not know that the suspect had entered his property on the night of the incident. He said that he later informed his [redacted] of the suspect's name, which had been given to him by Sergeant Soehnel. He said Ms. [redacted] told him that she knew who he (suspect) was, but had not seen him in years. He said Ms. [redacted] had not invited the suspect to the party. Mr. [redacted] stated that he did not have any knowledge about the unidentified female that had gotten involved in the incident.

IAB Note: Approximately 20 minutes after interviewing Mr. [redacted] he [redacted] called Sergeant Flores back. Mr. [redacted] advised Sergeant Flores that he had additional information, but did not want his statement to be recorded. He stated that he possibly had information regarding the unidentified female that had gotten involved in the incident. He said he believed the female was a party attendee, and her name was possibly [redacted] He said he was unsure of Ms. [redacted] age, but estimated it to be approximately 20-22 years old. He said he believed Ms. [redacted] worked at a place called "Del Rey Travel," in the city of Valencia. Mr. [redacted] stated that he did not have any further information, and did not want to get involved any further. He also did not want to say how he had obtained the information regarding the female's possible involvement. He additionally said it was only "rumor." He stated that he had not related this information to Ms. [redacted] and she did not have any knowledge of Ms. [redacted] possible

involvement.

This information was related to handling Detective Richard Welch, and Santa Clarita Detective Lieutenant Stephen Low. Detective Welch personally contacted [redacted] but did not obtain additional information. He also stated that the business known as "Del Rey Travel" no longer existed, and the business owner did not leave a forwarding address with the building owner. Both Detective Welch, and IAB Sergeant Flores utilized several law enforcement data bases in an attempt to identify and locate the possible suspect/witness, but were unsuccessful.

SUSPECT'S INJURIES:

Suspect Harris was transported and treated at Henry Mayo Newhall Memorial Hospital, located at 23845 McBean Parkway, in the city of Valencia. He was treated by Doctor Clay Cormier. During his treatment it was determined that Suspect Harris had sustained a fracture to his right orbital. He also sustained a small laceration above his right eye, and an abrasion to his right cheek. Suspect Harris did not complain of any other pain, nor did he claim any other injury.

During his interview with Internal Affairs Bureau investigators, Suspect Harris stated that he had recently sustained two fractured orbitals while diving into a pool. He stated that he had been treated at Olive View Medical Center for those injuries.

IAB Note: Suspect Harris' injuries were photographed by Internal Affairs Bureau Sergeant Carlos Flores. See **Exhibit F**. Suspect Harris signed two Medical Authorization forms, allowing Internal Affairs Bureau investigators to obtain the Medical treatment Documentation from Henry Mayo Hospital and Olive View Medical Center. The documentation was obtained and reviewed by Internal Affairs Bureau Sergeant Carlos Flores. The treatment record from Olive View Medical Center indicates that Suspect Harris was treated for two fractured orbitals on August 30, 2012. The medical treatment documentation is included in this case book. See **Exhibits F and G**.

INJURIES TO DEPUTY PERSONNEL:

There were no injuries to Department personnel.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Due to the time lapse between the incident and medical diagnosis of a fracture, Internal Affairs Bureau investigators responded to the scene several hours after the incident. The area where Deputy Painter contacted the suspect, and where the use of force subsequently occurred, is a residential area.

IAB Note: Sergeant Soehnel video recorded the scene of where Deputy Painter contacted the suspect, and where the use of force occurred. The video recording is included in this case book. See **Exhibit E.**

REVIEW OF RADIO BROADCAST:

Deputy Painter initiated emergent radio traffic during his altercation with Suspect Harris. The recording of the broadcast was obtained and reviewed by Internal Affairs Bureau Sergeant Carlos Flores.

In the recording Deputy Painter can be heard requesting emergency clearance ("10-33 give me the patch"). He then advises that he is involved in a fight at Platina Drive and "Sienna" Drive. The Sheriff's Communications Center Dispatcher asks Deputy Painter for the cross streets two times, at which time Deputy Painter again gives the same location.

Multiple deputies are then heard announcing that they are responding. An unidentified deputy asks for the location again, at which time Deputy Painter gives the correct name of the street, "Serena" drive. He then advises that the suspect was last seen running on Alta Madera Drive. Deputy Painter gives the description of the suspect as a white male, 20 years old, wearing a heavy black jacket. Deputies are then heard initiating a containment.

IAB Note: During his interview with Internal Affairs Bureau investigators, Deputy Painter stated that he was aware that he was on Platina Drive, but was not completely certain of the name of the cross street (Serena Drive).

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons (Hands).

WEAPONS USED BY SUSPECTS:

Personal Weapons (Hands).

PROPERTY DAMAGE:

There was no property damaged during this incident.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Santa Clarita Station Detective Bureau - Detective Richard Welch, #[redacted]

Court: Santa Clarita Court

Charge: Battery on Peace Officer 243(b) PC

IAB Note: On October 22, 2012, Suspect Harris was arraigned and charged with one count of Battery on a Peace Officer, 243(b) PC. The arraignment was conducted at the Santa Clarita Court House. A pretrial hearing is scheduled for February 4, 2013. A copy of the District Attorney's Misdemeanor Complaint is included in this case book. See **Exhibit B**.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred in a residential neighborhood during night hours (2333 hours), with limited lighting. The weather was clear and cool.